



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,266	12/21/2001	Mario D'Amico	86052-6	4982
28291	7590	03/14/2006		
FETHERSTONHAUGH - SMART & BIGGAR 1000 DE LA GAUCHETIERE WEST SUITE 3300 MONTREAL, QC H3B 4W5 CANADA			EXAMINER ZEENDER, FLORIAN M	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,266

Applicant(s)

D'AMICO ET AL.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

Claims 1, 16, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Tran '742.

Tran discloses or inherently teaches all of the limitations of the claims including: delivering information to a user from a computer prompting the user to enter information identifying a project, perform an action specifying accounting information used to track billable time (See for example Fig. 11, numeral "414"), provide customer relation information (See for example Fig. 12, numeral "438") associated to the project and separate from information used to track billable time (See, for example Figs. 11 and 12).

Claim Rejections - 35 USC § 103

Claims 2-15, 17-32, and 34-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran '742.

Tran disclose all of the limitations of the claims including: generating a first message including accounting and billing information (See for example Fig. 11, numeral "412"); generating a second message including information identifying a project and customer relation information associated to the project (See for example Fig. 12, numeral "438"); but the reference lacks the specific teaching of sending the first message and second message to different destinations, specifically the second message to a knowledge database.

It would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to have separate, but linked, databases for billing information

and unrelated information (for example "Attendees"; numeral 438 in Tran) as is known in the art in order to separate personal notes from professional information or to provide a means for selective access to information.

Re claims 15, 29-31, 43-45: searching software is well known for their use with databases.

Re claims 18, 20-21, 35: It would have been an obvious design choice to one of ordinary skill in the art to have the CPU reside on a server machine in a network environment, as this type of arrangement is well known in order to have access and control by the server.

Re claim 24: Selecting destinations is well known in software (i.e., Microsoft Windows) in order to provide organization for data.

Response to Arguments

Applicant's arguments filed 12/23/2005 have been fully considered but they are not persuasive.

The applicant argues on page 14, last paragraph that Tran does not teach prompting a user to supply "customer relation information" that is "separate from information that is used to track any one of expenses, disbursements and billable time. The applicant further argues on page 15, first paragraph, that every item a user is prompted to enter in the system is in some way related to expenses, disbursements, and billable time. The Examiner does not concede to this statement. But regardless, the argument is moot because the claim actually states that the customer relation information is separate from information that is used to track **any one of** (emphasis

added) expenses, disbursements and billable time. Therefore, as the claim is presently written, the customer relation information just has to be separate from either expenses, disbursements, or billable time; not necessarily all three. Tran easily meets this limitation in that the information supplied in numeral “438” (Fig. 12) is separate from the information supplied in numeral “412” (Fig. 11).

On page 17, second paragraph, the applicant argues that supporting an obviousness rejection with what is well known in the art is cautioned against by the Federal Circuit. MPEP 2144.03 specifically states that it is proper for an Examiner to support an obviousness rejection with what is well known in the art. The applicant has not seasonably challenged the rejection by demanding evidence and has not properly traversed the rejection by stating why the specific statements of what is known are not common knowledge, therefore, according to MPEP 2144.03, the rejection is proper and is maintained in this Final Office action. The applicant on page 17, paragraph 3, only (falsely) states that Tran does not prompt a user to enter both “customer relation information” and “accounting information”. However, since Tran does teach supplying both types of information separately (as discussed in the paragraph above), applicant’s statement is moot, and the rejections using what is well known in the art is proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender
Primary Examiner, A.U. 3627
March 7, 2006

 3/7/06
F. RYAN ZEENDER
PRIMARY EXAMINER